

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIT F. AUGBORNE, III,

Plaintiff,

v.

TIMOTHY FILSON et al.,

Defendants.

Case No. 2:19-cv-00447-JAD-VCF

ORDER

On March 8, 2020, the Court issued a screening order allowing some of Plaintiff's claims to proceed and staying this case so that the parties could engage in the Court's Inmate Early Mediation program. (ECF No. 5.) On September 4, 2020, the parties were to participate in a mediation conference. (ECF No. 12.) However, Plaintiff notified the mediator that he did not feel comfortable with the prison setting and requested to end the mediation. (*Id.*)

Plaintiff has now filed two identical motions requesting an order for a preliminary injunction and a temporary restraining order. (ECF No. 13, 14.) The motions explain why Plaintiff felt uncomfortable at the mediation session and request that the Court set a new mediation date. (*Id.*) The Court construes these as motions to continue the stay and set a new mediation date.

Plaintiff alleges that on the date of his mediation conference he was placed in a conference room. (ECF No. 13 at 2-3.) Shortly before the mediation conference was to start, warden Pickenney entered the conference room with eight other officers and began questioning Plaintiff about what he was doing in the conference room. (*Id.* at 3.) Plaintiff explained that he was waiting in the conference room to participate in a mediation conference, but Pickenney did not accept that explanation and called him a liar. (*Id.* at 3-4.) The warden then placed a guard to stand just outside of the conference room and watch Plaintiff. (*Id.*) The wall is made of glass and the guard could both see Plaintiff's conference call and hear what was said through the thin glass wall. (*Id.*) This made

1 Plaintiff uncomfortable and led to him asking to cancel the mediation conference. (*Id.* at
2 4-5.)

3 Plaintiff asks that the Court schedule a new mediation conference. (*Id.* at 9.) The
4 Court grants Plaintiff's motion. The Court will issue a subsequent order setting a date for
5 another mediation conference.

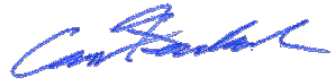
6 For the foregoing reasons, **IT IS ORDERED** that:

7 1. Plaintiff's motions requesting that the Court schedule a new mediation
8 conference (ECF Nos. 13, 14) are granted.

9 2. The Court will issue a subsequent order setting a date for a new mediation
10 conference.

11 3. The stay is extended until two days after the IEM. The Office of the Attorney
12 General will file the report form regarding the results of the stay by that date.

13 DATED THIS 16th day of September 2020.

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15 UNITED STATES MAGISTRATE JUDGE
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